

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

FILED
BILLINGS DIV.

2009 JUN 9 PM 3 29

PATRICK E. DUFFY, CLERK

BY _____

DEPUTY CLERK

**CROWN PARTS AND MACHINE,
INC., a Montana corporation,**

Plaintiff,

vs.

**CON-WAY FREIGHT, INC., a
Delaware corporation,**

Defendant.

**CON-WAY FREIGHT, INC., a
Delaware Corporation,**

Counter-Plaintiff,

vs.

**CROWN PARTS AND MACHINE,
INC., a Montana Corporation,**

Counter-Defendant,

CV-08-18-BLG-RFC-CSO

ORDER

On March 31, 2009, United States Magistrate Judge Carolyn Ostby entered Findings and Recommendation. Magistrate Judge Ostby recommends that Con-Way's Motion for Partial Summary Judgment [*doc. #29*] be granted.

Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, no

party filed objections to the March 31, 2009 Findings and Recommendation.

Failure to object to a magistrate judge's findings and recommendation waives all objections to the findings of fact. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1999). However, failure to object does not relieve this Court of its burden to review de novo the magistrate judge's conclusions of law. *Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1989).

After an extensive review of the record and applicable law, this Court finds Magistrate Judge Ostby's Findings and Recommendation are well grounded in law and fact and adopts them in their entirety.

Accordingly, **IT IS HEREBY ORDERED** Con-way's Motion for Partial Summary Judgment [*doc. #29*] is **GRANTED**.

The Clerk of Court shall notify the parties of the making of this Order.

DATED the 9th day of June, 2009.

A handwritten signature in black ink, appearing to read 'Richard F. Cebull', is written over a horizontal line.

RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE